

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:	ATTY. DOCKET NO.:	RAL920000081US1
DAVIA ET AL.	§	
	§	
Serial No.:	§ Examiner:	STEVENS, ROBERT
09/838,653	§	
	§	
Filed:	§ Art Unit:	2176
04/18/2001	§	
	§	
For:	§ Confirmation No.	9232
METHOD AND APPARATUS	§	
FOR THE SEPARATION OF	§	
WEB LAYOUT, LOGIC AND	§	
DATA WHEN USED IN SERVER-	§	
SIDE SCRIPTING LANGUAGES	§	

**PETITION TO REVIVE UNAVOIDABLY  
ABANDONED APPLICATION UNDER 37 CFR §1.137(a)**

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-referenced Application was abandoned for failing to reply to the non-final Office Action dated June 17, 2004, which communication Applicant never received. Applicant hereby petitions for revival of the above-referenced patent application, which was unavoidably abandoned as demonstrated by the facts set forth below.

As the responsible attorney, I personally conducted a search of the file jacket and docket records for this application and determined that the office communication was not received. A copy of the docket record where the Office Communication would have been entered is also attached for your review. The Office Action was never delivered to our mail box and was thus never received by our office. As such, I was unaware that the Office Action had been mailed by the Examiner and was unable to timely respond to the Office Action. Without having ever received the Office Action, I could not have prepared a response thereto and the failure to provide a timely response was unavoidable.

In further support of this statement, I submit herewith the Declaration of Vicky Filipowsky, the docket administrator for our firm. Mrs. Filipowsky declares that she is the docket administrator for Dillon & Yudell LLP. In the normal course of business, any and all correspondence mailed from the United States Patent and Trademark Office and delivered to 8911 N. Capital of Texas Highway, Suite 2110, Austin, Texas 78759 is docketed by Mrs. Filipowsky at the time of receipt and then added to the file folder. Mrs. Filipowsky indicates that she has examined the file folder for this application and verifies that no copy of the Office Action mailed June 17, 2004, was found therein. As such, Mrs. Filipowsky can assert that the Office Action was not received at the above address.

A copy of the non-final Office Action dated June 17, 2004, was retrieved from PAIR on April 11, 2007, and an Amendment A in response to that Action is attached hereto.

The entire delay in filing the required reply from the initial due date until the current filing of a grantable petition pursuant to 37 C.F.R. §1.137(a) was unavoidable. Applicant thus respectfully requests the revival of the present Application.

Because this application was filed after June 8, 1995, no terminal disclaimer is required.

The Commissioner is authorized to charge the \$510.00 fee set forth in 37 C.F.R. §1.17(l) to **IBM Corporation Deposit Account 09-0457**. No additional fee is deemed necessary; however, if an additional fee is necessary for the continued prosecution of this application, please charge the fee to **IBM Corporation Deposit Account No. 09-0457**.

Respectfully submitted,



Eustace P. Isidore

Registration No. 56,104

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ATTORNEY FOR APPLICANTS

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**DECLARATION AFTER HOLDING OF ABANDONMENT**

**PURPOSE OF THIS DECLARATION:**

1. "I, Vicky Filipowsky, am over eighteen (18) years of age, of sound mind, capable of making this Declaration and am personally acquainted with the facts stated in it.
2. I am Docket Administrator for Dillon & Yudell LLP, having a business address of 8911 N. Capital of Texas Hwy., Suite 2110, Austin, Texas, 78759, since March 1, 2004. As such, I receive and docket all incoming correspondence from the U. S. Patent and Trademark Office addressed to this group of attorneys at either address.
3. After thorough examination of the file folder, I can verify that the Office Action dated June 17, 2004, was not received by me at either firm address; therefore, it was not docketed by me for timely response and placed in the file folder."

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

  
Vicky Filipowsky

SUBSCRIBED AND SWORN TO on this 15<sup>th</sup> day of April 2008, to certify which  
witness my hand and seal of office.

My Commission expires:



  
NOTARY PUBLIC, STATE OF TEXAS